
WELSH STATUTORY INSTRUMENTS

2023 No. 76 (W. 14)

HOUSING, WALES

**The Allocation of Housing and Homelessness
(Eligibility) (Wales) (Amendment) Regulations 2023**

Made - - - - 25 January 2023

Coming into force - - 30 January 2023

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 160A(3)(1) of the Housing Act 1996(2) and section 61 of and paragraph 1(2) of Schedule 2 to, the Housing (Wales) Act 2014(3).

In accordance with section 142(3)(b)(ii) of the Housing (Wales) Act 2014, a draft of these Regulations has been laid before, and approved by a resolution of, Senedd Cymru(4).

Title and commencement

1. The title of these Regulations is the Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2023 and they come into force on 30 January 2023.

Amendment of the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014

2. The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014(5) are amended in accordance with regulations 3 and 4.

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- (1) Section 160A was inserted by section 14(2) of the Homelessness Act 2002 (c. 7); subsection 3 was amended by section 146(2) (d) of the Localism Act 2011 (c. 20). The functions of the Secretary of State under section 160A(3) of the Housing Act 1996 (c. 52) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and the entry in relation to the Housing Act 1996 in Schedule 1 to S.I. 1999/672 as read in accordance with section 17(1) of the Homelessness Act 2002. Those functions were subsequently transferred to the Welsh Ministers by virtue of section 162(1) of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (2) 1996 c. 52.
- (3) 2014 anaw 7. See section 99 for the definition of “prescribed”.
- (4) The reference in section 142(3) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006. See also section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.
- (5) S.I. 2014/2603 (W. 257) (as saved and modified by article 5 of S.I. 2015/1272 (W. 88) (C. 73), amended by S.I. 2017/698 (W. 164), S.I. 2019/1041 (W. 183), S.I. 2019/1149 (W. 199), regulation 76 of S.I. 2020/1309, regulation 26 of S.I. 2020/1372, S.I. 2021/353 (W. 105), S.I. 2021/1147 (W. 282) and S.I. 2022/485 (W.121).

Amendments to regulation 3

3. In regulation 3 (persons subject to immigration control who are eligible for an allocation of housing accommodation)—

- (a) omit the “and” immediately following paragraph (k),
- (b) at the end of paragraph (l), for “.” substitute “; and”, and
- (c) after paragraph (l) insert—

“(m) Class M – a person who has temporary leave to remain in the United Kingdom granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules⁽⁶⁾.”

Amendments to regulation 5

4. In regulation 5(1) (persons subject to immigration control who are eligible for housing assistance)—

- (a) omit the “and” immediately following sub-paragraph (l),
- (b) at the end of sub-paragraph (m), for “.” substitute “; and”, and
- (c) after sub-paragraph (m) insert—

“(n) Class N – a person who has temporary leave to remain in the United Kingdom granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules.”

25 January 2023

Julie James
Minister for Climate Change, one of the Welsh
Ministers

(6) Laid before Parliament on 23 May 1994 (HC 395), as amended. Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery was introduced by the Statement of Changes to the Immigration Rules: HC 719, which was laid before Parliament on 18 October 2022 and takes effect on the 30th January 2023.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (S.I. 2014/2603 (W. 257)) (“the 2014 Regulations”) which make provision for which persons subject to immigration control are eligible for an allocation of housing accommodation and for housing assistance.

Regulation 3 amends regulation 3 of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for an allocation of housing accommodation under Part 6 the Housing Act 1996 Act (“the 1996 Act”). It prescribes an additional class of persons (“Class M”) subject to immigration control who are eligible for an allocation of housing accommodation under the 1996 Act.

Class M applies to persons who are victims of human trafficking or slavery and who have been granted temporary leave to remain in the United Kingdom in accordance with the Immigration Rules made under section 3(2) of the Immigration Act 1971 (c. 77).

Regulation 4 amends regulation 5(1) of the 2014 Regulations which relates to the eligibility of persons subject to immigration control for housing assistance under section 66, 68, 73 or 75 of the Housing (Wales) Act 2014. It prescribes an additional class of persons (“Class N”) who are eligible for such assistance. This class is equivalent to Class M inserted by regulation 3.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government’s website at www.gov.wales.